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Law Enforcement Curriculum Review Committee

Minutes

August 18, 2010

A meeting of the Law Enforcement Curriculum Review Committee was held at 9:00 AM on August 18, 2010, in Room 220, Virginia State Police Training Academy.

Members Present:

Captain Lenmuel Terry
Mr. Mitch Banta
Mr. William O'Toole
Mr. Karl Vickers
Mr. Charles Long
Lt. James Chapman
Lt. Sean Adams
Major Cindy McAlister

Members Not Present:

Captain Hal Moser
The Honorable Robert Bushnell (COT Representative)

Staff Present:

Judy Kirkendall
Ron Bessent
Paul Ludwig (for courses of fire discussion)

Others Present:

Mr. Ed Hibbard
Mr. Frank Kowaleski
Mr. Butch Lateer
Sgt. Scott Wichtendahl
Lt. John Lamm
1st Sgt. Greg Blankenship

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Call to Order:

- I. Captain Terry welcomed members and guests and asked everyone to introduce themselves. He then asked if anyone had any corrections to the minutes of June 25, 2009. Mr. Banta moved that the minutes be approved. Lt. Adams seconded the motion. The motion passed unanimously.
- II. Suggested changes to the Virginia Tactical Qualification Course 1 and Virginia Qualification Course II were discussed by the Committee. Since the proposed change was presented as an option, the question was whether or not it needed to be in the standard if it was an option. Mr. Ludwig explained that the intent was to present the choices so that one of the two requirements must be completed. The Committee then determined that the wording of the qualification courses would state that academies must choose one of the 25 yard line requirements for scoring (see qualification courses for wording). With the modified wording, Mr. O'Toole moved that the suggested changes be recommended. Mr. Long seconded the motion. The motion passed unanimously.
- III. Suggested changes to standard 2.34 related to asset forfeiture were discussed. Ms. Kirkendall noted that she had worked with Mr. Bushnell on the proposed changes and that his purpose for proposing these changes was to assist with prosecutions. Ms. Kirkendall also noted that Ms. Deborah Turck, asset forfeiture coordinator at DCJS, also provided information that helped with the suggested wording. Mr. Long moved that the suggested changes be recommended. Mr. Vickers seconded the motion. The motion passed unanimously.
- IV. Suggested changes to standard 4.46 related to field sobriety testing were discussed. Mr. Vickers noted that Cardinal Criminal Justice Academy does not have instructors or equipment for a wet lab and is also concerned about the time needed to implement the standard. He asked what the standard requires in order to take NHTSA/IACP DWI Detection and Standardized Field Sobriety Test. Two guests at the meeting, Mr. Butch Lateer and Mr. Frank Kowaleski of the Virginia Highway Safety Office of DMV, addressed these concerns. Mr. Kowaleski noted that this is a national test that provides for a higher minimum passing score from participants, is recognized nationally, and creates a consistent approach to prosecuting DWI cases that results in more convictions. He also noted that his office will assist any academy with training instructors on the presentation and testing materials. Mr. Lateer noted that his office will supply all materials needed to academies including supplies for a wet lab and that he will work with the wine and spirit industry for alcohol supplies. They both answered questions from the Committee. Regarding the time frame for implementation, it was agreed that the change proposed here would be effective on January 1, 2012. Mr. O'Toole moved that the suggested change be adopted with the January 1, 2012, effective date. Mr. Vickers seconded the motion. The motion passed unanimously.

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- V. Suggested changes to standard 6.10 related to defensive tactics training were discussed. Mr. O'Toole noted that he liked the suggested changes here but would like to see all proposed changes before a meeting and would like his defensive tactics instructor to comment. Ms. Kirkendall explained that because the review of suggested changes was done only once a year, anything that came in before the meeting would be brought to the committee. She noted that the 60 day public comment period plus a public hearing provided ample time for everyone's staff and any interested parties to provide their input regarding suggested changes. The comments received in the written public comment period will go on a summary comment matrix for the Committee to review prior to the public hearing just as has been done in previous years. The Committee had some questions regarding the safety equipment and 1st Sergeant Greg Blankenship of the Virginia State Police and member of the Virginia Defensive Tactics Instructors Association answered those. The Committee noted that all that is needed in the standard is the use of safety equipment and a controlled environment and it is not necessary to include 14 ounce boxing gloves, mouthpiece and headgear in the criteria. With this change, Mr. Long moved that the suggested change be adopted. Lt. Adams seconded the motion. The motion passed unanimously.

NOTE: At a later discussion with Mr. O'Toole, I learned that he did not believe he was agreeing with the suggested changes as modified by the Committee. Rather, he thought the agreement was that he would be able to take the suggested changes to his staff for review and then be able to comment on the wording. Therefore, the minutes should reflect that Mr. O'Toole either voted against the suggested changes as modified or abstained from voting. – Judy Kirkendall, 11/18/10.

- VI. Suggested changes to three standards based on Code of Virginia changes shown in the Selected Acts of the General Assembly were discussed. Standard 2.31 on conducting searches and seizures added a requirement on identifying procedures for obtaining records from an electronic communication service or remote computing service including foreign companies. Mr. Long moved that the suggested change be adopted. Major McAlister seconded the motion. The motion passed unanimously.

Standard 4.21 added requirements related to obtaining information from the Department of Juvenile Justice regarding a juvenile's potential involvement in street gang activity and identifying gang free zones. Lt. Chapman moved that the suggested changes be adopted. Mr. Banta seconded the motion. The motion passed unanimously.

Standard 4.32 added a requirement on identifying sex offenses related to the use of profane, threatening or indecent language over public airways by computer or text. The Committee discussed this and believed it was in the wrong standard and should be moved to standard 2.2 removing the word sex as it belongs more under the purview of offenses against peace and order. With the correction of the language and moving the requirement to standard 2.2, Mr. Long moved that the suggested change be adopted. Mr. Banta seconded the motion. The motion passed unanimously.

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- VII. Captain Terry opened the floor for general discussion. Mr. Long raised a question related to the ignition interlock system that was added to standard 4.40 last year. He said that his staff believed it should be in standard 4.46 under DUI training. After discussion and reviewing the wording, Mr. Long withdrew his suggestion. No further items were raised.

Mr. Long moved that the meeting be adjourned. Lt. Adams seconded the motion. The motion passed unanimously.

Respectfully submitted,

Judy Kirkendall
Job Task Analysis Administrator

NOTE: The changes may be viewed in the document 2010 LE Suggestions for Change total 8-26-10 and will be e-mailed as an electronic file upon request.